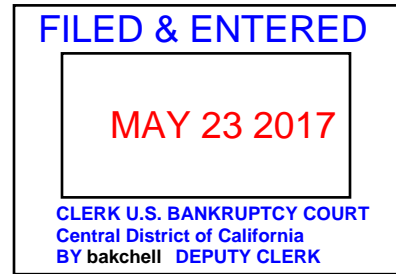


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7 NOT FOR PUBLICATION

CHANGES MADE BY COURT

8 UNITED STATES BANKRUPTCY COURT

9 CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION  
10

11 In re:  
12 MARTHA NERI and WILLIAMS NERI,  
13 Debtors.  
14  
15  
16  
17  
18  
19

Case No. 2:17-bk-10442-RK

Chapter 7

**ORDER DENYING DEBTORS' MOTION  
TO EXTEND THE DEADLINE TO FILE  
REAFFIRMATION AGREEMENTS AND  
EXTENDING THE DEADLINE TO FILE  
REAFFIRMATION AGREEMENTS TO  
JUNE 24, 2017**

[No Hearing Required]

20 The Court, having considered the Motion to Extend the Deadline to file Reaffirmation  
21 Agreements (the "Motion") filed by Martha Neri and Williams Neri, Debtors ("Debtors"), and the  
22 Declaration Re: That No Party Requested a Hearing on Motion Pursuant to Local Bankruptcy  
23 Rule 9013-1(o) Re Debtors' Motion to Extend the Deadline to File Reaffirmation Agreements,  
24 and good cause appearing therefore, it is hereby,

25 **ORDERED** that the Motion is DENIED. The court entered an order granting Debtors'  
26 discharge on May 1, 2017. Docket No. 20. Pursuant to 11 U.S.C. § 524(c)(1) an agreement  
27 between a holder of a claim and the debtor, the consideration for which, in whole or in part, is  
28

1 based on a debt that is dischargeable in a case under this title is enforceable only if such agreement  
2 was made before the granting of the discharge under 11 U.S.C. § 727. *See* 11 U.S.C. § 524(c)(1);  
3 *see also, In re Kamps*, 217 B.R. 836, 843 (Bankr. C.D. Cal. 1998)(citation omitted). Because the  
4 time for making of a reaffirmation agreement under 11 U.S.C. § 524(c)(1) expired on May 1, 2017  
5 when the Debtors' discharge was granted, it would be futile to grant the motion to extend time to  
6 file a reaffirmation agreement to June 24, 2017. (Although the Debtors have asked the court to  
7 extend the time to "file" reaffirmation agreements and the statutory language of 11 U.S.C. §  
8 524(c)(1) setting the deadline for reaffirmation agreements refers to "making" as opposed to  
9 "filing" such agreements, the court assumes that by this motion to extend the time to file  
10 reaffirmation agreements, the reaffirmation agreements have not yet been made to be filed. If the  
11 court's assumption is incorrect, the Debtors might consider seeking reconsideration of this order if  
12 they did in fact make any reaffirmation agreements they want to file, which were "made" (or  
13 reached) before the granting of their discharge on May 1, 2017.)

14 The court notes that the Motion was filed on April 24, 2017 before the discharge was  
15 entered on May 1, 2017; however, Debtors' counsel did not ask to defer the entry of the discharge  
16 under Federal Rule of Bankruptcy Procedure 4004(c). *See* 4 March, Ahart and Shapiro, *California*  
17 *Practice Guide: Bankruptcy*, ¶ 22:1918 at 22-237 (2016), *citing*, Fed. R. Bankr. P. 4004(c) and  
18 Adv. Comm. Note thereto ("**PRACTICE POINTER**: If a reaffirmation agreement cannot be  
19 reached prior to discharge, ask the court to *defer entry of the discharge order* for 30  
20 days.")(emphasis in original).

21 **IT IS SO ORDERED.**

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22  
23  
24 Date: May 23, 2017



Robert Kwan  
United States Bankruptcy Judge